MOTION FILED
MAR 8 1983

No. 82-195

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

VAN D. MUELLER and JUNE E. NOYES, *Petitioners*,

v.

CLYDE E. ALLEN, JR., DENNIS J. BERTHIAUME, KAREN F. BERTHIAUME, THOMAS W. DZIK, MARY J. DZIK, EDWARD F. FUJAN, JOLEEN A. FUJAN, BRENDA B. BECKER, RICHARD C. HOLLINGSWORTH, MARJORIE HOLLINGSWORTH, ROGER DEHAAN, and DOROTHY DEHAAN, *Respondents*.

MOTION FOR LEAVE TO FILE BRIEF AND BRIEF AMICUS CURIAE IN SUPPORT OF RESPONDENTS

ON BEHALF OF

MOUNTAIN STATES LEGAL FOUNDATION

THE NEW COALITION FOR SOCIAL AND ECONOMIC CHANGE

THE NATIONAL TAXPAYERS UNION

THE AMERICAN ASSOCIATION OF PRESIDENTS OF INDEPENDENT COLLEGES AND UNIVERSITIES

and

THE EDUCATION VOUCHER INSTITUTE

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MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE IN SUPPORT OF THE RESPONDENTS

Mountain States Legal Foundation, the New Coalition for Social and Economic Change, the National Taxpayers Union, the American Association of Presidents of Independent Colleges and Universities, and the Education Voucher Institute respectfully move this Court, pursuant to Rule 42 of the Rules of the United States Supreme Court, for leave to file the annexed brief *amicus curiae*. In support of this motion, these organizations state:

1. Mountain States Legal Foundation is a non-profit, membership, public interest legal foundation. The Foundation is supported entirely by donations from its members and is dedicated to the legal advocacy of the values and concepts of individual liberties and economic freedom.

2. The New Coalition for Social and Economic Change is an organization established for the purpose of developing innovative, free market solutions for the problems of black Americans.

Among its proposals are education tax credits, which will expand educational opportunities for American blacks.

3. The National Taxpayers Union is a non-partisan, non-profit organization dedicated to representing the interests of American taxpayers, and has been active in drafting and generating public support for education tax credit proposals.

4. The American Association of Presidents of Independent Colleges and Universities is an organization comprised of 192 presidents of private institutions of higher education. The Association seeks to enhance the ability of private sector education to thrive and continue to provide quality leadership for America.

5. The Education Voucher Institute is dedicated to the research and development of expanded and accessible educational alternatives through free market mechanisms.

6. All of the organizations presenting this motion are vitally interested in the outcome of this litigation. They are committed to the ability of states to broaden educational alternatives for their citizens. The members of the organizations will benefit by expanded educational opportunities and responsible use of tax dollars. The interests of *amici* are broader than those of the parties herein, allowing them to bring an important perspective which can shed new light on the important issues at stake in this lawsuit.

For the foregoing reasons, it is respectfully requested that this Motion for Leave to File the annexed brief *amicus curiae* be granted.

Respectfully submitted,

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BRIEF AMICUS CURIAE IN SUPPORT OF THE RESPONDENTS

INTEREST OF THE AMICI CURIAE

All of the *amici* are national organizations vitally interested in expanded educational liberty and opportunity. The outcome of this litigation will greatly affect the ability of states to provide educational opportunities for their citizens, as well as the accessibility of alternative educational outlets for families desiring them. As a result, this case is closely related to the purposes and goals of the organizations presenting this brief.

Mountain States Legal Foundation (MSLF) is a non-profit public interest law center, dedicated to bringing before the courts those issues vital to the individual rights and freedoms protected by the United States Constitution and the nation's legal traditions. The Foundation is supported entirely by the donations of its

members. Because of the interests of its members, many of whom are parents, the Foundation has frequently been involved in litigation dealing with the vitality and autonomy of private sector education. MSLF is deeply concerned with the decline of educational quality in America, and believes that parents should have the maximum possible latitude in providing education of the highest quality for their children. Financial constraints often frustrate the ability of parents to select private schools when it is in their children's interest to do so. The Foundation maintains that it is in the public interest and fully consistent with the First Amendment for the state to lessen those burdens by means of tax credits, deductions, or education vouchers.

The New Coalition for Social and Economic Change is an organization dedicated to the exploration, development, and promotion of alternative solutions to problems facing black Americans, particularly poverty, poor education, and government dependency. The Coalition, working at the community level, seeks ways to exploit the talent, will, creativity, and initiative of black Americans. Expanded educational opportunities are vital to the achievement of these goals. As a result, the Coalition strongly advocates tax credits to help make such opportunities more accessible.

The National Taxpayers Union (NTU) is a non-profit membership organization which promotes the interests of American taxpayers. In the interest of the most efficient and responsible use of taxpayer dollars, NTU has long been active in the drafting of and development of public support for education tax credits. The outcome of this case will affect NTU's ability to effectively and creatively serve the interests of its members in developing education tax credit programs.

The American Association of Presidents of Independent Colleges and Universities (AAPICU) is an association comprised of

192 presidents of private institutions of higher learning. Recognizing that privately controlled colleges and universities are on the frontiers of knowledge and are fundamental to the development of innovative leadership, AAPICU is dedicated to the survival and advancement of a dual system of higher education. To enable private sector education to continue to thrive, AAPICU supports the expanded ability of families to patronize private education through the use of tax credits.

The Education Voucher Institute (EVI) is a non-partisan, non-profit organization whose purpose is to generate, coordinate, and disseminate research on the pros and cons of free market concepts in educational settings. The primary mission of EVI is to promote and conduct research into those conditions under which increased parental choice in education is feasible — that is, the conditions under which choice as well as equal opportunity can be mutually reinforced — and to circulate information about potential ways of expanding available choice.

The thrust of amici's concern is two-fold: (1) that courts, in analyzing potential violations of the Establishment Clause, have failed to consider important state and familial interests served by education tax relief; and (2) that courts have failed to recognize that the primary effect of such relief is not the advancement of religion, but the expansion of educational choice and opportunity.

Amici urge this Court to re-emphasize its dedication to enabling states to provide for the educational needs of their citizens in a flexible manner by upholding the Minnesota statute. Failure to do so could paralyze the ability of parents to pursue quality education for their children, a result which the Establishment Clause certainly does not mandate.

STATEMENT OF THE CASE

This case deals with the constitutionality of Minnesota Statute § 290.09(22) (1978). This statute authorizes a state income tax deduction for expenses incurred in public or private schools. The deduction is limited to $500 per student in grades kindergarten through six, and $700 for each in grades seven through twelve. Expenses must be documented, and the program operates as a true deduction rather than a subsidy, because a tax benefit accrues only if the deduction decreases net taxable income so as to place the taxpayer in a lower tax bracket.

The statute was sustained in its entirety by the trial court in *Mueller v. Allen*, 514 F. Supp. 998 (D. Minn. 1981). The Eighth Circuit affirmed the trial court's opinion at 676 F.2d 1195 (8th Cir. 1982).

INTRODUCTION AND SUMMARY OF THE ARGUMENT

This case presents issues of vital national importance which will have a tremendous impact on the future of private educational alternatives and the ability of individuals to pursue them. In this brief, *amici* urge this Court to consider the available factual data which demonstrates the secular purposes and effects of private school education and to re-emphasize its commitment to legal guidelines which recognize the importance to society of these secular purposes and effects.

Amici present substantial statistical data that calls into question conventional wisdom surrounding the nature and impact of private education. Private schools, despite substantial religious support, provide chiefly secular education and have little influence on the religious attributes of students. Financial support by religious organizations makes high quality alternative education

available to many who would otherwise be at a serious educational disadvantage. Far from merely providing exclusive education to the wealthy, such schools often offer the sole opportunity for good education, a safe and stable learning environment, and upward social mobility for the economically disadvantaged. To the extent that states decrease the financial burdens involved in pursuing private educational alternatives, the primary effect of such efforts will be expanded educational choice and opportunity.

The trial court in *Mueller v. Allen* recognized the primarily secular purposes and effects of the Minnesota tax deduction statute. Despite the outcome in that case, with which *amici* strongly agree, *amici* remain concerned that the legal analysis employed to test the constitutionality of the statute could have serious adverse implications for future decisions. By applying the standards articulated in *Lemon v. Kurtzman*, 403 U.S. 602 (1971), as a rigid test rather than as the flexible guidelines for identifying potential Establishment Clause violations for which they were intended, *amici* believe that the courts below have precluded consideration of the extremely important state and familial interests involved.

Amici therefore urge this Court to affirm the decision below while reiterating its commitment to a flexible approach to Establishment Clause analysis. A reversal of the decisions below would surely thwart the ability of states to find proper means of helping private education to survive, a result not required by the First Amendment, and wholly contrary to the public interest. *See Wolman v. Walter*, 433 U.S. 229, 262 (1977) (Powell, J., concurring in part and dissenting in part).

ARGUMENT

I. THE ESTABLISHMENT CLAUSE IS NOT AUTOMATICALLY VIOLATED BY STATE ATTEMPTS TO MAKE PRIVATE EDUCATION MORE ACCESSIBLE.

The First Amendment addresses religion in two ways: the Free Exercise Clause guarantees religious liberty, and the Establishment Clause prevents the state from advancing religion. The Supreme Court has consistently recognized a tension between these two clauses, since an overly zealous safeguarding of the rights guaranteed by one could result in an impairment of those protected by the other. As a result, the Court has attempted to chart a neutral course between the two clauses, drawing a flexible line in the recognition that "rigidity could well defeat the basic purpose of [these clauses], which is to ensure that no religion be sponsored or favored, none commanded, and none inhibited." *Walz v. Tax Commission*, 397 U.S. 664, 669 (1970).

In virtually all First Amendment cases, methods have been established to determine whether the magnitude of the injury to constitutional rights is justified by the interests sought to be furthered by the incursion. Thus, in *Wooley v. Maynard*, 430 U.S. 705 (1977), the Court weighed the state's interest in its license plate motto against the plaintiff's First Amendment rights. Similarly, in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), the Court considered both the state interest in compulsory secondary education and the free exercise rights of Amish parents.

As in other First Amendment contexts, the Court has provided standards for assessing Establishment Clause violations. The Court in *Lemon v. Kurtzman*, 403 U.S. 602 (1971), articulated three basic guidelines developed from a long line of cases. In order to avoid impairing the Establishment Clause, a statute must (1) possess a valid secular purpose, (2) have the primary effect of neither advancing nor inhibiting religion, and (3) not foster an

excessive entanglement with religion. *Id.* at 612-13. In *Tilton v. Richardson*, 403 U.S. 672 (1971), decided the same day, the Court applied the *Lemon* guidelines in sustaining construction grants for post-secondary schools. The Court there emphasized that the *Lemon* standards should not be viewed as " 'tests' in any limiting sense of that term, but rather as guidelines with which to identify instances in which objectives of the Religion Clauses have been impaired." *Id.* at 678. In *Lemon*, the Court cautioned further that it was not suggesting "a legalistic minuet in which precise rules and forms must govern . . ., the observance of which is itself the substantive end." *Lemon*, 403 U.S. at 614.

Despite the Court's well-founded concerns that a rigid application of the *Lemon* guidelines could frustrate the purposes of the Religion Clauses, the guidelines have been inflexibly applied in a litmus test manner in cases dealing with education tax benefits. Instead of utilizing the guidelines as the starting point of constitutional analysis for which they were designed, they have been applied as ends in themselves. The guidelines have been molded into a strict test with three "prongs," the violation of any of which requires invalidation of the statute, regardless of any important interests served.

The district court in the instant case adopted this strict analysis and interpreted *Lemon* to mandate that "failure to satisfy any one of the three elements of the test requires a declaration of unconstitutionality." *Mueller*, 514 F. Supp. at 1001. Only a finding of facial neutrality and a non-religious primary effect saved the Minnesota statute. *Id.* at 1003. This test was also applied on appeal. *Mueller*, 676 F.2d at 1198. The *Lemon* "primary effect" standard was carried to an absolute extreme in *Rhode Island Federation of Teachers v. Norberg*, 630 F.2d 855 (1st Cir. 1981). The First Circuit there stated that "it is sufficient

that the plaintiffs show that a primary effect of the tuition deduction is to confer a special benefit on the parents who choose to send their children to sectarian institutions. The law carries the rest of the plaintiffs' burden. . . ." *Id.* at 858.

This rigid application of the *Lemon* guidelines completely ignores the compelling countervailing interests of the state and families. States, for example, have a "paramount responsibility" to provide educational opportunities in a comprehensive manner. *Yoder*, 406 U.S. at 213; *Cochran v. Louisiana State Board of Equalization*, 281 U.S. 374, 375 (1930). They have an interest in fostering educational competition and alternatives of the highest quality. *Board of Education v. Allen*, 392 U.S. 236, 247 (1968). Further, private schools save taxpayers tremendous sums of money, a benefit which would be lost if private schools were abandoned in favor of public schools. *Lemon*, 403 U.S. at 625. Accessible private schools also further the state interest in providing safe, effective, and varied educational environments. *Mueller*, 514 F. Supp. at 1001. Parents, meanwhile, have the primary role in the upbringing of their children and have the right to provide quality education in the private sector. *Yoder*, 406 U.S. at 232; *Pierce v. Society of Sisters*, 268 U.S. 510, 535 (1925).[1]

At present, without tax benefits to help them, few parents can choose secular private schools. Religious institutions are presently the only organizations capable of providing affordable, quality educational alternatives for large numbers of students, given their ability to subsidize part of the cost of such education. *See* A. Greeley, *Catholic High Schools and Minority Students* 96

[1] The case presently before the Court may be a case in which zealous protection of Establishment Clause interests may violate the free exercise rights of parents, as well as the right to pursue private educational alternatives as provided in *Pierce*. Those parents who would prefer private educational alternatives are undoubtedly hindered by the portion of their tax burdens which support public education. To the extent that the state eases this burden and promotes free choice, it would seem to further the neutral course required by the First Amendment.

(1982) [hereinafter Greeley]. Secular private education can grow only if states are able to reduce the financial burdens of obtaining it.

The Minnesota statute challenged in this case is carefully drafted to be neutral on its face and as applied. If the statute is stricken by this Court, the only basis can be the reasoning set forth by the First Circuit in *Norberg*. Logically applied, the *Norberg* holding would require only a *prima facie* showing that some money was passing in indirect fashion from the state to parents to educational institutions sponsored by religious organizations. Such a rigid application of the *Lemon* standards fails to consider important secular governmental and parental objectives, the indirectness of the nexus between state and religion, the actual rather than speculative effect and outcomes of the statute, and possible implications for the free exercise of religion. As a result, it distorts the purpose of the *Lemon* guidelines and endangers the carefully crafted neutrality charted in the Religion Clauses. *Amici* urge this Court to repudiate the *Norberg* holding and sustain the Minnesota statute, thereby confirming the importance of educational liberty and the ability of states to promote it, within the permissible confines of the First Amendment.

II. THE PRIMARY EFFECT OF EDUCATIONAL TAX RELIEF IS EXPANDED EDUCATIONAL CHOICE AND OPPORTUNITY.

A common but erroneous conception often expressed in discussion of education tax relief programs is that the inevitable and primary result will be the advancement of religion. Such a conclusion jeopardizes bonafide state efforts to broaden educational opportunities for the citizenry. *See, e.g., Norberg*, 630 F.2d at 858. Such arguments, however, ignore the fact that institutions receiving consumer dollars in such situations, including those supported by religious bodies, are *schools*, chiefly engaged in the business of secular education. As a substantial body of current

research reveals, the primary effect of widened access to educational alternatives is not the advancement of religion, but enhancement of educational choice and opportunity.

A. *Important differences between public and non-public education provide a non-religious basis for parental selection of private schools.*

Private schools at the primary and secondary levels play an important role in American education. Enrollment in private schools totals 5.1 million students, or 11% of all school children.[2] Private school enrollment has held steady in recent years, with substantial increases in the enrollment of ethnic minority students. Public school enrollment, meanwhile, has declined 14% over the last twenty years.[3] Catholic schools represent almost one-third of all private schools, enrolling two-thirds of all non-public students, while another third of such schools are non-religious.[4] The reason for the predominance of Catholic parochial schools is simple: given financial burdens facing parents, churches are virtually the only organizations capable of providing alternative educational sources affordable to large numbers of families. The Catholic Church, for example, subsidizes approximately 10% of the tuition costs in schools it supports.[5]

It is clear that religion is only one factor motivating parents to choose private schools, and it is rarely the chief factor. The overwhelming majority select such schools primarily because of the academic opportunities available for their children, rather than

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[2] J. Rosenblatt and H. Gimlin, *Education Tax Credits*, 2 Editorial Research Rep. 595, 596 (1981) [hereinafter Rosenblatt and Gimlin].

[3] *Id.* at 596.

[4] J. Coleman, T. Hoffer, and S. Kilgore, *Public and Private Schools* 29 (1981) [hereinafter Coleman].

[5] Greeley at 96.

for religious purposes.[6] Further, private schools heavily stress basic secular academic subjects. This is borne out by the fact that private high school students typically take 23 academic classes as opposed to only 20 taken by the average public school student.[7] Additionally, a far greater percentage of private school students complete advanced academic subjects, such as calculus, physics, and third-year language courses, than their public school counterparts.[8]

The dominant emphasis of non-public schools on academic teaching is also reflected by the tremendous impact that such schools have on students' academic achievement as opposed to the apparently negligible impact on religiosity of the students. Parochial schools appear to affect students' religious attributes only moderately. Slightly more than half of parochial students attend services once a week, and fewer than 15% consider themselves "very religious." These figures are remarkably similar to those for public school students. *See* Appendix, Table 1. The impact of such schools on academic success, however, can be substantial. Private school students score well above the national average in every academic sector: reading, vocabulary, mathematics, science, civics, and writing;[9] and far more aspire to and actually do attend college.[10] As Prof. James Coleman concluded in his recent comparative study of private and public schools, "[w]hen family

[6] J. Cibulka, T. O'Brien, and D. Zewe, *Inner-City Private Elementary Schools: A Study* 73 (1982) [hereinafter Cibulka].

[7] Coleman at 123. Even making the dubious assumption that the remainder of a parochial student's time is spent in religion classes, he or she is still spending more time in secular academic classes than the average public school student. Notes economist Thomas Sowell, "If some . . . religiously oriented groups are willing to conduct good schools in order to be able to put in a word for their beliefs, that is not unreasonable in a pluralistic society. Indeed, [such schools] are partly carrying out a public responsibility at private expense." T. Sowell, *Black Education: Myths and Tragedies* 249 (1972) [hereinafter Sowell].

[8] Coleman at 127.

[9] *Id.* at 173.

[10] Greeley at 24 and 101.

background factors that predict achievement are controlled, students in... private schools are shown to achieve at a higher level than students in public schools."[11] This is true despite the fact that almost all private schools regularly accept academically weak students. Most who transfer from public schools score lower on standarized tests than indigenous private school students.[12]

Two main factors are notable in producing greater scholastic achievement in private schools — greater academic demands and a more ordered environment. In addition to emphasizing academic basics and advanced courses, private schools require more homework[13] and encourage greater laboratory work, field projects, individual instruction, and writing sk[illegible][14]

The greatest difference between public and private schools is in discipline, a factor which compels many parents to seek out alternative educational environments.[15] Parochial schools, in particular, distinguish themselves by their high attendance rates and tight and effective disciplinary standards. *See* Appendix, Tables 2 and 3. Additionally, far more private than public school students rate discipline in their respective schools as fair and effective,[16] and most parents note an improvement in home behavior since enrolling their children in private schools.[17]

Amici do not suggest that private schools are inherently better than public schools. However, it is clear that substantial differences may exist between the private and public educational sectors, which may greatly influence parental choices and the

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[11] Coleman at xxiv.

[12] Cibulka at 140.

[13] Coleman at 146.

[14] Greeley at 43-44.

[15] Coleman at xxvi and 136.

[16] *Id.* at 140.

[17] Cibulka at 140.

academic success of students. Freedom to make such choices may have important effects upon educational development. To the extent that states elect to widen educational choice by lessening the financial impediments which often preclude such choice, the primary effect of such an effort will be to make educational alternatives more accessible.

B. *Private alternatives have their greatest impact in providing educational opportunities to minority students in urban areas.*

The greatest growth in private sector education has been among members of ethnic minority groups. Historically, private schools, especially parochial schools, were established to serve the needs of a minority population. Today, the minority populations being served in this manner are primarily black and Hispanic children.[18] Particularly in urban centers where public schools have deteriorated and in which discipline problems have proliferated, private schools often offer the single source of real educational opportunity for disadvantaged youngsters.[19]

Private schools organized to serve blacks number over one hundred in New York City alone.[20] In urban private schools, 56% of the students are black and 32% are Hispanic. Despite the fact that 90% of the urban schools are Catholic, over half of their students are Protestant.[21] Indeed, religious differences aside and with all other factors being equal, blacks are more likely than any other ethnic group to enter parochial schools.[22] The families of urban private school children tend to be larger and more likely to

[18] Cibulka at 54.

[19] *See* Sowell, generally; and W. Williams, *Inner City Parents and Freedom of Choice*, Black Education and The Inner City 11 (1981) [hereinafter Williams].

[20] Rosenblatt and Gimlin at 603-04.

[21] Cibulka at 19.

[22] Coleman at 82.

be headed by a single parent than typical American families. Eighty-six percent of them have incomes below the national median. *See* Appendix, Table 4. Despite these disadvantages, they are willing to spend an average $400 per student for elementary education[23] or almost $1,000 for secondary education.[24] The willingness of many parents to make such substantial financial sacrifices, particularly when the alternative is tuition-free public education, underscores their desire to attain quality education in the private sector when necessary for the well-being of their children.

Minority families make these sacrifices for two principal reasons: to stimulate upward social mobility and to provide a safe, positive learning environment for their children. Private education has an enormous impact in decreasing the differences between children of disparate social backgrounds.[25] Minority students in non-public schools are substantially more likely to prepare for a college education than minority students in public schools, and even more will do so than will non-minority private school students.[26] *See* Appendix, Table 5. Due to high disciplinary standards, diversity of school services, and decentralized control in urban private schools, parents can better guide and promote academic achievement.[27]

In meeting the educational needs of their citizens, states must have maximum flexibility. One way to effectively foster educational opportunities, particularly in urban areas, is through tax credits or similar programs. As noted black economist Walter Williams argues, such programs could "give poor people at least some of the powers that higher income people enjoy with respect

[23] Cibulka at 19-20.

[24] Greeley at 104.

[25] Coleman at 279; Greeley at 96.

[26] Greeley at 20-24.

[27] Williams at 9-13.

to education, that is the freedom to choose."[28] *Amici* submit that such freedom will indeed be the primary effect of tax relief legislation.

C. *Statutes reducing the burdens in choosing educational alternatives are important for the continued viability of private education.*

Private educational alternatives are facing difficult times. Despite extraordinary financial sacrifices which many families are willing to make, the ability to pursue private education is still inextricably related to income,[29] making educational alternatives inaccessible to many of those who would be most benefitted by them. Due to a weak economy, many students presently enrolled in private schools are continually faced with the possibility of being forced to leave for financial reasons, despite the best efforts of private and religious organizations to make quality educational alternatives financially affordable. A recent survey, for example, indicates that only 36% of urban private school parents could afford a $15 per month tuition increase. Yet private schools face the prospect of requiring such increases, as financial resources decline, physical plants age and deteriorate, and qualified teachers are difficult to retain at minimal salaries.[30]

With the growing inability of parents to afford private schools, and the limited ability of private institutions to subsidize them, it is painfully obvious that many who desire and would be well-served by private education will be unable to attain it. Taypayers will be forced to pick up the slack via the public school system, which costs twice as much to educate children as private schools.[31] In lessening the financial burdens of parents seeking

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[28] Williams at 13.

[29] Coleman at 85.

[30] Cibulka at 201-205.

[31] Greeley at 103.

such alternatives, states will thereby decrease their own financial burdens. And in so doing, they will promote educational choice and opportunity, with important implications for equal educational opportunity and a well-educated citizenry.

CONCLUSION

Amici submit that the foregoing illustrates the important interests supporting the validity of educational tax benefit statutes. The Minnesota enactment herein provides deductions for parents who elect to use them in their children's best interest. Any such tax relief will benefit religion only indirectly and slightly but will expand educational choice directly and greatly. If this statute is unconstitutional, it is difficult to conceive of any permissible statute with the same or similar intent. *Amici* believe that such a result is not required or contemplated by the Establishment Clause, and is inconsistent with the decisions of this Court. For all of these reasons, *amici* urge this Court to sustain the Minnesota statute and to reaffirm its well-established commitment to educational liberty.

Respectfully submitted,

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APPENDIX

Table 1

RELIGIOUS ATTRIBUTES AND IMPACTS
PUBLIC VS. CATHOLIC SCHOOLS

	White		Black		Hispanic	
	Public	Catholic	Public	Catholic	Public	Catholic
Percent Catholic	30	92	4	50	73	96
Percent "very religious"	10	14	6	12	13	15
Percent who attend church services every week	43	71	50	44	45	53
Percent politically "conservative"	7	7	9	8	10	11
Percent politically "liberal" or "radical"	20	20	20	25	21	10

Source: Greeley at 54.

Table 2

PERCENT OF SCHOOLS IN WHICH
PRINCIPALS RATE CERTAIN DISCIPLINE PROBLEMS
AS SERIOUS OR MODERATELY SERIOUS

	Public	Catholic	Catholic Minority
Student absenteeism	70	9	20
Students cutting class	58	2	2
Physical conflict among students	8	0	0
Physical conflict between students and teachers	7	0	0
Vandalism	33	18	8
Drugs or alcohol	55	28	28
Rape	8	0	5
Weapons	2	0	0
Verbal abuse of teachers	15	2	1

Source: Greeley at 30.

Table 3

PERCENT OF STUDENTS WHO STATE THAT PARTICULAR PROBLEMS OCCUR FREQUENTLY IN THEIR SCHOOLS

	White		Black		Hispanic	
	Public	Catholic	Public	Catholic	Public	Catholic
Students talk back to teachers	42	22	39	33	36	17
Don't obey instructions	26	13	30	17	31	11
Fight with each other	24	9	30	9	25	8
Students attack teacher	17	6	28	11	28	6
Truancy	47	8	43	12	49	12

Source: Greeley at 31.

Table 4

FAMILY INCOME OF URBAN PRIVATE SCHOOL FAMILIES VS. ALL U.S. FAMILIES

Income Levels	Private School Families	All U.S. Families
Under $5,000	15%	9%
$5,000 - $9,999	35	18
10,000 - 14,999	22	19
15,000 - 19,999	14	18
20,000 or more	14	36

Source: Cibulka at 34.

Table 5

COLLEGE ATTENDANCE RATE BY SCHOOL TYPE

(Percent of Last Graduation Class Enrolled in College)

Public	43
Catholic	76
Catholic black	78
Catholic Hispanic	84
Elite private	99
Other private	71

Source: Greeley at 101.